

SENATE JOURNAL.

FIRST DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, January 9, 1883. }

In accordance with law, the Senate of the Eighteenth Legislature met in the Senate Chamber of the Capitol, in the city of Austin, at 12 o'clock m. to-day (January 9, 1883), and was called to order by Hon. L. J. Storey, Lieutenant-Governor of the State.

Prayer by Rev. R. K. Smoot, of Austin, chaplain of the last Senate.

The roll being called, the following Senators answered to their names:

First District—S. B. Cooper.
Second District—F. L. Johnston.
Fourth District—J. A. Peacock.
Fifth District—E. A. King.
Sixth District—J. C. Buchanan.
Seventh District—J. Y. Gooch.
Eighth District—M. Y. Randolph.
Ninth District—J. W. Jones.
Tenth District—Asa E. Stratton.
Eleventh District—S. C. Patton.
Twelfth District—A. Chesley.
Thirteenth District—J. P. Fowler.
Fourteenth District—J. S. Perry.
Fifteenth District—L. J. Farrar.
Sixteenth District—Barnett Gibbs.
Seventeenth District—John Johnson.
Eighteenth District—W. O. Davis.
Nineteenth District—A. L. Matlock.
Twentieth District—W. R. Shannon.
Twenty-second District—J. A. Martin.
Twenty-third District—A. J. Harris.
Twenty-fourth District—A. W. Terrell.
Twenty-fifth District—George Pfeuffer.
Twenty-sixth District—Rud. Kleburg.
Twenty-seventh District—N. G. Collins.
Twenty-eighth District—A. W. Houston.
Twenty-ninth District—J. R. Fleming.
Thirtieth District—J. H. Traylor.
Thirty-first District—W. A. Evans.

The Lieutenant-Governor then called for the credentials of the members present, which were placed in the hands of the Secretary of the Senate.

The Lieutenant-Governor then proceeded to administer the oath of office to the members present, after which he declared the Senate ready for business.

The Lieutenant-Governor then delivered the following address:

Gentlemen of the Senate:—Upon your assembling at the Capital of the State to enter upon the discharge of the high and responsible duties imposed upon you by the people of Texas, I take great pleasure in congratulating you upon the very favorable and satisfactory condition in which we find the public affairs of the country.

You come as the chosen representatives of a prosperous and

happy people, blessed with an abundant crop, peace and plenty, and an era of prosperity unparalleled in the history of the State.

It will be a pleasant duty for you to add, by the enactment of wholesome laws, to the progress and material development of this the grandest commonwealth on the American continent.

Much credit is due our predecessors for the advancement already made. From a ruined credit, a bankrupt treasury, an almost overwhelming debt, oppressive taxation and a tyrannical government, we have, within the last ten years, restored good government, relieved the people from oppressive burthens, reduced the debt, and raised the credit of the State, until within the scope of its demands it is equal to that of any government on earth. And yet we find in the light of experience much remains to be done to attain that grandeur and magnificence to which we, as a people, have a right to aspire.

We have a territory truly vast in extent, upon which the God of nature has showered his richest blessings.

Our laws are comparatively good and reasonably well enforced. Our society is good, our educational facilities increasing, and, we trust, with proper legislation, will soon approach efficiency.

I don't claim the right to, nor would I assume, as an official occupying the humble position I do, to suggest a policy to the Legislature of Texas, but I may be pardoned, at least by you, if I express the hope that the Senate will proceed at once, with a determined effort, to secure needed changes in both the organic and statutory laws of the State, such, for instance, as an amendment to the judiciary article of the Constitution, which time and experience have demonstrated is absolutely necessary for the good of this people.

Also, the repeal of all laws upon the statute books authorizing the sale of the school, University and asylum lands of the State, and that provisions be made to lease out these lands so as to secure the greatest possible good to the fund to which they severally belong. Whatever doubt there may be in the minds of some as to your authority under the present Constitution to provide for the leasing of the public school and University lands, instead of their sale as now provided by law, there can be no such doubt as to your authority under the Constitution to take every acre of the asylum lands from the market.

If this is done, and an amendment to the Constitution is submitted to a vote of the people authorizing the levy and collection of a special school tax separate from the general revenues, our free school system may be perfected, and at the same time the burthens of taxation for revenue purposes be reduced to the actual necessities of the State government.

With such a change in our Constitution and laws, and with the University of Texas—the chief cap-stone of the only free school system worth preserving—properly endowed, as it should be done by this Legislature, our school system will be an honor to the State and the pride of her people, and in the near future become the most efficient of any to be found in the Union.

An earnest desire on the part of previous Legislatures to secure the largest possible appropriation out of the general revenues for the benefit of public free schools has prevented a reduction of the taxes to the actual necessities of the State government, and in this effort to secure one dollar for school purposes under our present Constitution, three dollars has been required to lay idle in the Treasury; and thus the large cash balance, about which so much has been said and written, has in a great measure been created. And while an unnecessarily large cash balance may never be desirable in a State Treasury, ours will yet prove a great blessing to the people of Texas if properly expended under laws which should be enacted by this Legislature.

There are doubtless many demands to be made upon this cash balance, which if granted, would redound to the good of Texas. But it seems to me that no one interest deserves a greater share than the demands of humanity loudly calling from every county in the State for an enlargement of the Lunatic Asylum and a change in the laws governing that institution, as well as an extension in its design

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and objects. To-day there are not less than 1700 unfortunate insane people in the State, while but 364 are confined in the Asylum, hundreds of others are confined in county jails, while not a few are penned up like wild beasts in dens prepared for them, where through many long years their sad and necessarily neglected condition has been a disgrace to our civilization and a horror to the community in which they are confined. Humanity demands that this unfortunate class of our people be cared for, protected, and furnished homes at the expense of the State, if necessary, for life, or until restored, in an asylum where there is some hope for a restoration to health. As far back as A. D. 1873, the Legislature of Texas demanded such a change in the laws of the State, but a veto by the Governor then defeated the measure. The cash balance in our treasury answers the principal objection then urged by the Executive of the State to the passage of that bill. Is not this an opportune time for the Legislature to respond to the demands of humanity, and to wipe out the disgrace so long resting upon the State by reason of our failure in the past to make ample provision for the care and protection of this helpless class of our people? We are able to respond to the demands of the times and should not falter in the discharge of our duty.

As the natural result of laws now upon our statute books, private enterprise is pushing forward the car of progress in every direction, and ten thousand emigration agents working in the interest of many millions of invested capital are bringing to our shores a mighty tide of emigration from every quarter of the globe, to increase our civilization, magnify our wealth, energize our hopes, and develop our natural resources.

Shall the State be less energetic and progressive? Rather let her keep pace with this progressive age, and hesitate not to make even radical changes in her laws when necessary to secure to the citizens the fullest protection demanded by his condition in life, be it what it may. Trusting that you will, with the aid of the co-ordinate branches of the government, be able to secure to the country all needful reforms, I now declare the Senate in session and ready to proceed to business.

The following resolution was then offered by Senator Johnson of Collin:

Resolved, First, That the Senate do now proceed to elect the following officers: Secretary, First Assistant Secretary, Second Assistant Secretary, Calendar Clerk, Engrossing Clerk, Enrolling Clerk, Sergeant-at-arms, Doorkeeper, Chaplain, and President pro tem.

Resolved, Second, That the President appoint a special committee to report, as soon as practicable, what other employees are necessary, and the rate of compensation they should be allowed.

Adopted.

The Senate then proceeded to organize by the election of the following officers, Senators Houston, Pfeuffer and Terrell being appointed by the President as tellers.

Nominations being announced in order by the President, Senator Johnston of Shelby put in nomination for Secretary William Neal Ramey, of Shelby county.

On the first ballot Mr. Ramey received 28 votes, and was declared by the President duly elected Secretary of the Senate.

Senator Traylor then placed in nomination for First Assistant Secretary of the Senate C. M. Boynton, of Hamilton, and Senator Gibbs nominated G. A. F. Parker, of Dallas, for the same position.

On the first ballot C. M. Boynton received 18 votes, G. A. F. Parker 10 votes, and W. M. Hunter 1 vote.

C. M. Boynton was declared by the President duly elected First Assistant Secretary of the Senate.

Senator Fowler placed in nomination W. M. Hunter, for Second Assistant Secretary of the Senate.

On the first ballot W. M. Hunter received 26 votes, and 3 votes were cast for Nat Q. Henderson.

W. M. Hunter was declared duly elected Second Assistant Secretary of the Senate.

Senator Pfeuffer nominated for Calendar Clerk Randolph Lawrence, of Comal county.

Senator Chesley placed in nomination John Davidson, of Travis county, and Senator Cooper nominated J. H. Kirby, of Tyler county.

On the first ballot Mr. Kirby received 15 votes, Mr. Lawrence 9, and Mr. Davidson 5.

Mr. Kirby was declared duly elected Calendar Clerk of the Senate.

Senator Fowler nominated Captain Ferg Kyle, of Kyle, Hays county, for Sergeant-at-Arms of the Senate.

Senator Harris placed in nomination J. Crawford Roberts, of Bell county.

On the first ballot, Captain Kyle received 23 votes, and Mr. Roberts 6.

Captain Kyle was declared duly elected Sergeant-at-Arms of the Senate.

Senator Shannon placed in nomination A. M. Belvin, of Parker county, for Engrossing Clerk.

Senator Randolph nominated Will L. McDonald, of Williamson county.

On the first ballot, Mr. Belvin received 21 votes, and Mr. McDonald, 8.

Mr. Belvin was declared duly elected Engrossing Clerk of the Senate.

Senator Buchanan placed in nomination, for Enrolling Clerk, J. E. Kaufman, of Galveston.

On the first ballot, Mr. Kaufman received 29 votes, and was declared duly elected Enrolling Clerk of the Senate.

Senator Shannon placed in nomination Col. Bill Fitzhugh, of Collin county, for Doorkeeper of the Senate.

On the first ballot, Col. Fitzhugh received 29 votes, and was declared duly elected Doorkeeper of the Senate.

Senator Patton nominated Rev. Dr. R. K. Smoot, of Austin, Chaplain of the Senate.

Senator Davis nominated Rev. John N. Lovejoy, of Denton county.

On the first ballot, Dr. Smoot received 24 votes and Rev. Mr. Lovejoy 5.

Dr. Smoot was declared duly elected Chaplain of the Senate.

Senator Gooch placed in nomination for President pro tem. Senator A. W. Houston, of Bexar.

On the first ballot, Senator Houston received 28 votes, and was declared duly elected President pro tem. of the Senate.

The President appointed the following named Senators, under the resolution offered by Senator Johnson of Collin, and adopted by the Senate: Senators Johnson of Collin, Gooch, Buchanan and Traylor.

Senator Shannon offered the following resolution:

Resolved, That the Senate now proceed to the election of Assistant Sergeant-at-Arms.

Adopted.

Senator Patton placed in nomination Walter P. Fisher, of Galveston, for Assistant Sergeant-at-Arms.

Senator Harris nominated A. A. Burck, of Milam county.

Senator Matlock nominated W. A. Squires, of Clay county.

On the first ballot, votes were cast as follows:

For Fisher, 10; for Burck, 8; for Squires, 11.

No candidate having received a majority of the votes cast, there was no election, and another ballot was ordered.

The second ballot was had with the following result:

For Fisher, 10; Burck, 7; Squires, 12.

No candidate having received a majority of the votes cast, there was no election, and another ballot was ordered, with the following results:

Third ballot.—For Fisher, 9; Burck, 9; Squires, 11.

No candidate having received a majority, there was no election.

Another ballot was ordered, which resulted as follows:

Fourth ballot.—For Fisher, 7; Burck, 9; Squires, 13.

No one of the candidates having received a majority, another ballot was ordered, with the following result:

Fifth ballot.—For Fisher, 7; Burck, 9; Squires, 13.

No one of the candidates having received a majority of the votes, another ballot was ordered.

Senator Patton withdrew the name of Walter P. Fisher. Sixth ballot.—For Burck, 15; Squires, 15.

No one having received a majority, another ballot was ordered with the following result.

Seventh ballot.—For Burck, 15; for Squires, 13.

Mr. Burck having received a majority of the votes cast, was declared duly elected Assistant Sergeant-at-Arms of the Senate.

The officers elected then came forward and were sworn into their respective offices.

Senator Cooper offered the following resolution:

Resolved, That the Senate be controlled and governed by the rules adopted by the Senate of the Seventeenth Legislature, until otherwise ordered.

Adopted.

Senator Shannon offered the following resolution:

Resolved, That a committee of three Senators be appointed to inform the House of Representatives that the Senate has completed its organization and is now ready to proceed to business.

Senator Gooch offered the following substitute, which was accepted by Senator Shannon:

Resolved, That the President appoint two committees, of three Senators each, one to inform the Governor and the other to inform the House of Representatives that the Senate is organized and ready to proceed to business.

Adopted.

The President appointed Senators Shannon, Gooch and Johnson of Collin, as a committee to notify the House of Representatives that the Senate is organized and ready for business.

Also, Senators Terrell, Gibbs and Patton as a committee to wait upon the Governor and inform him that the Senate is organized and ready to receive any communication from his Excellency.

Senator Patton offered the following resolution:

Resolved, That the Senators proceed to-morrow morning, just after the morning call, to cast lots for seats in the Senate chamber, and that they draw for seats as they are now situated and numbered.

Adopted.

On motion of Senator Shannon, the Senate adjourned till 10 o'clock a. m. to-morrow.

SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, January 10, 1883. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Storey in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

On motion of Senator Houston, the reading of the journals of yesterday was dispensed with.

Senator Kleberg offered the following resolution:

Resolved, That the Senate proceed at once to elect its own postmaster.

On motion of Senator Gooch, the resolution of Senator Kleberg was postponed temporarily.

Senators Pope and Getzendaner, who were absent yesterday, at the organization, were sworn in and took their seats.

On motion of Senator Shannon, Senators Pope and Getzendaner were excused for absence yesterday.

On motion of Senator Patton, the Senators proceeded to draw for seats, in accordance with the resolution of yesterday.

Senator Gooch moved that the names of all the Senators be placed in a hat, and the Senators retire, and that each

Senator, as his name is drawn, shall come in and select his seat.

Senator Pfeuffer moved to substitute by placing the names of the Senators in one hat and the numbers in another. Adopted, and motion as substituted adopted.

The drawing for seats then took place, and the Senators drew seats for the session accordingly,

Senator Johnson of Collin submitted the following report:

COMMITTEE ROOMS,
AUSTIN, January 10, 1883. }

Hon. L. J. Storey, President of the Senate:

Your special committee, appointed to ascertain what Senate employees are necessary in addition to those already elected, and to recommend the compensation which they should be allowed, have considered the subject, and unanimously instruct me to report the following resolution:

Resolved, That the President of the Senate shall appoint a postmaster, four porters and three pages; and the Chairmen of Judiciary Committee No. 1, of Judiciary Committee No. 2, and of the Finance Committee, shall each have the power to appoint a committee clerk. That the porters and pages be allowed two dollars per day each, and that the others named be allowed the same compensation as the Senators.

It is believed that in the earlier part of the session no other employees than those named will be required, and if exigencies shall hereafter arise requiring others, they can be provided for at that time.

The committee clerks, when not engaged by the committees for which they are appointed, may be required to serve other committees which may need them.

JOHNSON of Collin, Chairman.

Report adopted.

The resolution of Senator Kleburg was taken up.

Senator Gibbs moved to table the resolution. Lost.

The resolution was lost by the following vote:

YEAS—14.

Buchanan,	Jones,	Pfeuffer,
Collins,	King,	Pope,
Davis,	Kleberg,	Stratton,
Evans,	Martin,	Terrell.
Houston,	Patton,	

NAYS—15.

Chesley,	Gibbs,	Matlock,
Farrar,	Gooch,	Peacock,
Fleming,	Harris,	Perry,
Fowler,	Johnston,	Randolph,
Getzendaner,	Johnson,	Traylor.

Senator Matlock offered the following resolution:

Be it resolved by the Legislature of the State of Texas, That the Secretary of State be requested to furnish for the use of each member of the Senate, a copy of the Revised Statutes of the State and of the acts of the general and called sessions of the Sixteenth and Seventeenth Legislatures, and that the Sergeant-at-Arms of the Senate procure the same.

Adopted.

The following appointments were made by the President:

For Postmaster—Walter A. Ledbetter.

For Pages—Willie Elliott, Willie Berryman, Tommie Masterson.

For Porters—Thornton Alexander, Milton Wallace, Captain Jackson, Henderson Rollins.

Senator Gooch offered the following resolution:

Resolved, That the Senators shall now be divided by lot into two classes. That there shall be fifteen of the first class, whose terms shall expire in two years, and sixteen of the second class, whose terms shall expire in four years. That the division by lot shall be made as follows: Thirty-one slips of paper shall be placed in one box, on fifteen of which shall be written "two years" and on sixteen of which shall be written "four years"; and thirty-one slips of paper shall be placed in another box, on each of which shall be written the name of a Senator. The Secretary shall draw a name from one box, and at the same time the First Assistant Secretary shall draw a slip specifying the term from the other box; and the name and term so drawn shall be read and recorded, and the classes or terms shall be thereby determined and fixed.

Adopted.